

REMARKS

In the above-identified Office Action the claims were rejected as being obvious primarily in view of the previously cited Finseth reference, although the rejections are now based also on the newly cited Hirota reference. In this regard, the claims have been amended primarily as to matters of form, but such claims are believed to be patentable over the cited references for the reasons given below.

Specifically, independent Claims 36 and 37 require a receiving apparatus which is arranged to include an operation unit which receives an operation instruction for the receiving apparatus instructed by a user thereof. Also, the apparatus is arranged to generate an internal user profile related to a preference of the user of the receiving apparatus on the basis of an operation history of the operation unit, and an external user profile related to a preference of a user of another receiving apparatus, generated on the basis of an operation history of the other receiving apparatus. The amendments are clearly supported by the Specification with relation to a remote controller 139 and the description from page 9 line 24 to page 11 line 9. Independent Claims 41 and 42 are corresponding method claims related to Claims 36 and 37, respectively, and have been amended in the manner similar to Claims 36 and 37.

Referring more particularly to amended independent Claim 36, the receiving apparatus of the present invention automatically deletes the external user profile in accordance with a predetermined time period elapsing from a time when the external user profile was stored in a storing unit, while Claim 37 clearly requires that the receiving apparatus of the present invention is arranged to automatically delete the external user profile stored in the storing unit, after a program corresponding to a selected external user profile is searched. In this regard,

according to the present invention as set forth in each of the amended independent Claims 36, 37, 41 and 42, since the internal user profile for preference of the user of the receiving apparatus and the external user profile for preference of the external receiving apparatus are managed distinguishably, easy-to-use program searching can be attained. Further, it can be avoided that the user of the receiving apparatus may erroneously use the external user profile based on the external receiving apparatus, since the external user profile is automatically deleted in accordance with a predetermined use condition thereof.

The above-described characteristics of the present invention are not disclosed in any of the cited references of Finseth, Hirota, Dedrick and Hendricks. Specifically, the Finseth reference does not disclose or suggest deleting only the external user profile among the internal user profile and external user profile stored in the storing unit, as recited in the each of the amended independent Claims 36 and 37. In this context, it should be noted that Finseth is silent as to the necessity of deletion of the external user profile. In addition, the reference of Finseth discloses that "If the amount of memory becomes an issue, then less frequently received program attributes are discarded to make room for ad preference information" (Paragraph [0088] lines 18-24), while the present invention automatically deletes the external user profile stored in the storing unit in accordance with a predetermined time period elapsing from a time when the external user profile was stored in a storing unit, or after the program corresponding to the selected external user profile is searched, as recited in the amended independent Claims 36 or 37. Thus, the reference of Finseth can not attain the technological advantages that it can be avoided that the user of the receiving apparatus erroneously uses the external user profile for preference of the user of another receiving apparatus. The reference of Hirota discloses that "free disk space

of HDD 119 can be efficiently secured by having function to which IRD performs deletion of unnecessary file periodically, without spending user's effort and time" (paragraph [0081]). In addition, this reference discloses to manage recorded programs in a file format (e.g., paragraphs [0042] and [0043]). However, the Hirota reference does not disclose or suggest managing distinguishably the internal user profile for preference of the user of the receiving apparatus and the external user profile related to a preference of the user of the external receiving apparatus. In this connection, it should be noted that the Hirota reference merely deletes a file (recorded program file) to obtain a storage space area and is silent on necessity of deletion of the external user profile of the present invention. In view of the foregoing, the cited references of Finseth and Hirota, taken alone or in combination, can not derive deleting Applicants' claimed external user profile for preference of the user of the external receiving apparatus, as recited in the amended independent Claim 36. The above-described discussion applied to the amended independent Claim 36 is also applicable to the amended independent Claim 41.

Independent Claims 37 and 42 were rejected in view of a combination of the cited references of Finseth and Dedrick. However, Dedrick discloses that "The card is then ejected from the client system 12 and pocketed by the consumer, and the un-encrypted profile information in the volatile memory is deleted" (column 7 lines 62-65), but it does not disclose managing distinguishably the internal user profile for preference of the user of the receiving apparatus and the external user profile for preference of the user of the external receiving apparatus. In this connection, it should be noted that Dedrick is silent as to a receiving apparatus which receives a television broadcasting signal, and thus does not disclose or suggest a profile processing unit arranged to generate the internal user profile for preference of the user of the

receiving apparatus on the basis of operation history of the operation unit, as recited in the amended independent Claim 37. In view of the foregoing, since Dedrick provides no motivation or suggestion to be combined with the reference of Finseth, the present invention recited in the amended independent Claim 37 is unobvious from the proposed combination of those references. Claim 42 is corresponding method Claim of Claim 37 and has been now amended in the manner similar to the amended Claim 37. The above-described discussion applied to Claim 37 therefore is also applicable to the amended independent Claim 42.

The Office Action also relies on a combination of the references of Finseth, Hirota and Hendricks to reject the dependent claims. In response, Applicants note that Hendricks discloses “searching a program database consisting of abstracts of a multitude of programs” (column 2 lines 42-48). However, Hendricks does not disclose or suggest managing distinguishably the internal user profile for preference of the user of the receiving apparatus and the external user profile for preference of the user of the external receiving apparatus. Therefore, since the reference of Hendricks provides no motivation or suggestion to be combined with the combination of the references of Finseth and Hirota, the present invention as set forth in the dependent claims is also patentable.

For these various reasons it is believed that the claims as now presented are allowable over the cited references wherefore the issuance of a Notice of Allowance is solicited.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/John A. Krause/
John A. Krause
Attorney for Applicants
Registration No. 24,613

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

FCBS_WS 1764153v2